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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,)	2:15-cr-220-JCM-VCF
)	
Plaintiff,)	
)	
v.)	
)	
LEON JOHNSON,)	
)	
Defendant.)	
_____)	

STIPULATION FOR EXTENSION OF TIME

IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden, United States Attorney, and Phillip N. Smith, Jr., Assistant United States Attorney, counsel for the United States of America, and Paul Riddle, Assistant Federal Public Defender, counsel for Defendant LEON JOHNSON, that the date for the Government to file a response to the Defendant's Motion to Dismiss Counts Two and Four of the Indictment (Docket #26) be extended for seven (7) days.

This stipulation is entered for the following reasons:

1. The Defendant's Motion was filed and served on October 5, 2015. The Government's response deadline is October 26, 2015.

2. Counsel for the undersigned has been dealing with an uptick in the press of business, necessitating more time for the Government to prepare a response to the Defendant's

1 Motion. Undersigned counsel for the Government respectfully requests more time to research
2 the issues raised in the Defendant's Motion.

3 3. Counsel for the Government has been preparing for the upcoming trial in the
4 matter of *United States v. Michael Beale*, 2:15-cr-156-JAD-PAL, which is scheduled to
5 commence on November 3, 2015.

6 4. The Defendant is incarcerated, but he does not object to the continuance of the
7 Government's response deadline.

8 5. The Defendant's trial is presently scheduled for December 14, 2015.
9 Consequently, a one-week continuance of the Government's response deadline is unlikely to
10 affect the present trial date.

11 6. The additional time requested herein is not sought for purposes of delay, but
12 merely to allow the Government to have adequate time to prepare an appropriate response to the
13 Defendant's Motion.

14 7. Additionally, denial of this request for continuance could result in a miscarriage
15 of justice.

16 8. This is the second stipulation filed herein to continue the Government's response
17 deadline.

18 DATED: October 26, 2015.

19
20 /s/
21 PHILLIP N. SMITH, JR.
22 Assistant United States Attorney
23 Counsel for the United States

20 /s/
21 PAUL RIDDLE
22 Assistant Federal Public Defender
23 Counsel for Defendant LEON JOHNSON

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,) **2:15-cr-220-JCM-VCF**
)
Plaintiff,)
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v.)
)
LEON JOHNSON,)
)
Defendant.)
_____)

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The Defendant's Motion was filed and served on October 5, 2015. The Government's response deadline is October 26, 2015.

2. Counsel for the undersigned has been dealing with an uptick in the press of business, necessitating more time for the Government to prepare a response to the Defendant's Motion. Undersigned counsel for the Government respectfully requests more time to research the issues raised in the Defendant's Motion.

3. Counsel for the Government has been preparing for the upcoming trial in the matter of *United States v. Michael Beale*, 2:15-cr-156-JAD-PAL, which is scheduled to commence on November 3, 2015.

4. The Defendant is incarcerated, but he does not object to the continuance of the Government's response deadline.

7. Additionally, denial of this request for continuance could result in a miscarriage of justice.

8. This is the second stipulation filed herein to continue the Government's response deadline.

For all of the above-stated reasons, the ends of justice would best be served by a continuance of the motion response deadline.

The additional time requested herein is not sought for purposes of delay, but merely to allow the parties sufficient time to allow the Government adequate time to prepare a response to the Defendant's Motion to Dismiss, taking into account due diligence. The failure to grant said continuance would likely result in a miscarriage of justice.

IT IS THEREFORE ORDERED, that the previously-scheduled response deadline for the Government to respond to the Defendant's Motion to Dismiss (Docket #26) is extended until November 2 _____, 2015.

UNITED STATES MAGISTRATE JUDGE